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EXAMINER

RODRIGUEZ, PAUL L

ART UNIT PAPER NUMBER

2125

DATE MAILED: 11/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/706,063

Applicant(s)

SOLAN ET AL.

Examiner

Paul L Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The amendment filed 7/29/03 has been received and considered. Claims 21-36 are presented for examination.
2. The amendment cancelled the original claims and entered new claims. The new claims contained two claims numbered 33, therefore in accordance with 37 CFR 1.126 the claims starting with the second claim 33 have been renumbers as 34-36.

Drawings

3. The drawings were received on 7/26/03. These drawings are acceptable.

Specification

4. The substitute specification filed 7/29/03 has been entered.
5. The disclosure is objected to because of the following informalities: Substitute specification page 5 line 6 refers to "computer system 26", the new figures have changed the computer system to reference number 126.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehrman et al (U.S. Pub 2001/0037298 A1). The claimed invention reads on Ehrman et al as follows:

Ehrman et al discloses (independent claim 21, 29) A method of locating (abstract, paragraph 14) and repairing (repair is defined by Merriam Webster as “to restore or replace, to restore to a sound or healthy state) a vehicle stored in a storage facility (paragraph 14, 30, washing, fueling and processing for re-rental are considered by the Examiner to meet the definition of repairing), said method comprising the steps of receiving an assembled vehicle (paragraph 41 lines 1-10, vehicle is received upon return to the rental lot), storing the vehicle within the storage facility (figure 2, paragraph 14 and 41 lines 8-10), placing a selectively readable tag on the vehicle, wherein the tag operatively identifies the stored location of the vehicle (paragraph 24, reference number 14, figure 1), (claim 29 only) wherein the tag is an electronic device having a receiving and transmitting means that operatively identifies the location of the vehicle (paragraph 38), saving the stored location of the vehicle within the storage facility in a computer database operatively in communication with the selectively readable tag (paragraph 41 lines 11-17), identifying a condition for modifying the vehicle (paragraph 30, paragraph 41 lines 11-14, prepare vehicle for readiness to re-rent includes cleaning and fueling), dynamically locating the vehicle within the storage facility by operatively reading the tag to identify the stored location of the vehicle (paragraph 40, lines 21-24, paragraph 41 lines 11-14), performing the modification to the vehicle (paragraph 30, shop or refueling, paragraph 41 lines

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12-13), and releasing the vehicle for shipment after the vehicle is modified (paragraph 41, move item to ready area), (independent claim 35) a method of locating (abstract, paragraph 14) and repairing (see definition of repair recited for claims 21, 29) a new vehicle (paragraph 24, new rental vehicle) that is stored in a storage facility prior to shipping (paragraph 14, 30, renting lot, shipping considered rented and released), said method comprising the steps of receiving a newly assembled vehicle (paragraph 24, 41), placing a selectively readable tag on the vehicle (paragraph 24, reference number 14, figure 1), wherein the tag is an electronic device having a receiving and transmitting means (paragraph 38) that operatively identifies the location of the vehicle (paragraph 24, figure 2), positioning at least one tag reading device within the storage facility (reference number 14a, figure 2), using a vehicle identification number assigned to the vehicle to identify the vehicle and electronically operatively storing the vehicle identification number on the tag so that it is readable by the tag reading device (paragraph 23), assigning a shipping status indicator to the vehicle that is electronically stored on the tag and readable by the tag reading device (paragraphs 31, 38, 41), wherein the shipping status indicator indicates releasability of the vehicle from the storage facility (paragraph 31 lines 7-10), storing the vehicle within the storage facility (paragraph 41, lines 8-10), saving the stored location of the vehicle within the storage facility in a computer database operatively in communication with the selectively readable tag (paragraph 41 lines 11-17), identifying a condition for modifying the vehicle (paragraph 41, prepare for readiness to re-rent), dynamically locating the vehicle within said storage facility by remotely reading the tag using the tag reading device to identify the stored location of the vehicle (paragraph 40, 41), performing the modification to the vehicle (paragraph 41 lines 12-13), updating the shipping status indicator electronically stored on the tag

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after the vehicle is modified (paragraph 40 lines 24-28), and releasing the vehicle for shipment after the vehicle is modified (paragraph 41, move vehicle to ready area), claim 22, 29), wherein the tag is an electronic device having a receiving and transmitting means (paragraph 38), (claim 23) wherein said step of dynamically locating the vehicle further includes the steps of selectively reading the tag using a tag reading device (paragraph 14, figure 2, paragraph 24, 30), (claim 24, 30), using a vehicle identification number assigned to the vehicle to identify the vehicle and electronically storing the vehicle identification number on the tag to be read by the tag reading device (paragraph 23) and assigning a shipping status indicator to the vehicle that is electronically stored on the tag and read by the tag reading device (paragraph 31, 38, 41) (claim 25, 31) wherein the shipping status indicator indicates releasability of the vehicle from the storage facility (paragraph 31 lines 7-10), (claims 26, 32) further including the step of updating the shipping status indicator stored on the tag after the vehicle is modified (paragraph 40 lines 24-28), (claim 27, 36), further including the step of updating the tag with the stored location of the vehicle within the storage facility if the vehicle is moved to another location (paragraph 41) and (claim 28, 33), wherein said step of dynamically locating the vehicle further includes the steps of selectively reading the tag from a remote location using a plurality of tag reading devices positioned within the storage facility (figure 2, paragraph 39).

Response to Arguments

8. Applicant's arguments filed 7/29/03 have been fully considered but they are not persuasive.

Regarding the drawing objections, the submitted drawings provided improved labeling of elements and the objections are withdrawn.

Regarding the specification objections, the substitute specification corrected most of the objections however objections remain.

Regarding the claim rejections under 112, second paragraph. The previous claims were cancelled, no objections or 112, second paragraph rejections were found in the newly submitted claims.

Regarding the rejection based upon Ehrman et al, applicant argues that the reference does not disclose a system and method of identifying and locating a newly manufactured vehicle within a storage yard for vehicle repair purposes. In response, the Examiner would like to point out that Ehrman et al clearly discloses locating a vehicle, for example, paragraph 2 "track of vehicles location", paragraph 14 "whereby location of a vehicle in the lot is constantly updated", paragraph 24 "for functions such as constant location of any of the tagged items", paragraph 30 "with the central data base being constantly advised of real time location", paragraph 39 "real time location of vehicles 1a-f therein which are individually tracked and monitored by a device 14 contained in each of the vehicles" each providing adequate support for the limitation. Examiner would like to point out Ehrman et al also discloses the method for a newly manufactured vehicle in paragraph 24 that states "The devices are readily removed and placed into other vehicles with reprogramming of new vehicle type", it is well known that car rental businesses purchase and add new vehicles to their rental fleet, this passage addresses the addition of newly manufactured vehicles. Examiner would like to point out the support for the storage yard, figure 2 clearly shows the storage yard for the vehicles, with various locations such as the

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car wash area and the ready area, the ready area is where the vehicles are placed where the vehicles are ready for rental. Finally, Examiner would like to address the limitation reciting the term "repair purposes". Examiner is relying upon the dictionary definition of "repair" which states to restore or replace a part or to restore to a sound or healthy state. With this definition in mind, each vehicle upon receipt from one customer is then, cleaned (paragraph 30, 41), refueled and possibly sent to the shop (paragraph 30) for preparing the vehicle for re-rental, the Examiner considers this to meet the repair purposes limitation. Examiner understands that Ehrman et al teaches other things such as vehicle return, billing and sensed condition of fuel and mileage however Examiner contends that Ehrman et al discloses all the claimed limitations claimed by applicant.

Applicant argues that Ehrman et al does not disclose a method of locating a vehicle within a storage facility for repair purposes using transmitting/receiving devices that tracks the location of the vehicle within the storage facility. Examiner strongly disagrees with applicant. As pointed out in the above response, Ehrman et al clearly discloses the real time tracking of the vehicle in the storage facility (figure 2), clearly discloses for repair purposes (clean/wash, refuel, shop), clearly discloses transmitting/receiving devices that tracks the location of the vehicle within the storage facility (reference numbers 14, 14a, figure 2, paragraphs 39-41). Therefore the rejection is maintained.

Regarding the rejection using Madden et al, the arguments are persuasive and the rejection is withdrawn.

Regarding the rejections under 103, these were based on Madden et al and that base rejection is withdrawn, therefore the 103 relying upon Madden et al is withdrawn.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Soga et al (U.S. Pat 6,560,579) – teaches tracking of newly manufactured products using electronic tags.

Whipp et al (U.S. Pub 2002/0022979) – teaches automated tracking of vehicles for determining the release of the vehicle to another location.

Ehrman et al (WO 00/70530) – provides support for the disclosure of U.S. Patent application 09/315,071.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L Rodriguez whose telephone number is (703) 305-7399.

The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Paul L Rodriguez
Examiner
Art Unit 2125



PLR
11/18/03

LEO PICARD
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TECHNOLOGY CENTER 2100